



DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

SACW

20 April 2021

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF
ENGINEERS

SUBJECT: Rescission of Previous Guidance — Tribal Consultation Associated With
Approved Jurisdictional Determinations (AJD)

1. References:

a. Memorandum for Commanding General, U.S. Army Corps of Engineers dated January 4, 2021 from the Assistant Secretary of the Army (Civil Works), subject: U.S. Army Corps of Engineers (USACE) Tribal Consultation Associated with a Draft Approved Jurisdictional Determination (AJD).

b. Memorandum for the Heads of Executive Departments and Agencies dated January 26, 2021 from President Joseph R. Biden, subject: Tribal Consultation and Strengthening Nation-to-Nation Relationships.

2. In his January 26, 2021 memorandum, President Biden reaffirmed the Federal government's enduring commitment to consultation as a means of strengthening the sovereign relationship between the United States and our Tribal Nations (reference 1.b.). The memorandum directs all Federal agencies to engage in regular, meaningful, and robust consultation with Tribal Nations. The Army's Civil Works program has a long history of productive consultation with Tribal Nations on its projects, rules, and regulatory permit actions, and the Army Civil Works program is committed to maintaining and enhancing its record on consultation.

3. On January 4, 2021, the Assistant Secretary of the Army (Civil Works) issued a memorandum stating that as a "matter of nationwide programmatic policy, USACE shall not initiate tribal consultation on any future AJDs" (reference 1.a.). Today, I am rescinding the January 4th guidance memorandum.

4. Among my first priorities are to review the existing USACE Tribal Consultation Policy to ensure it is consistent with, and fulfills, the commitments announced in the President's January 26th memorandum. I will ensure any consultative requirements associated with the review and issuance of Approved Jurisdictional Determinations are included in a revised and updated policy.

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5. Questions regarding this matter may be directed to Stacey Jensen, Assistant for Regulatory and Tribal Affairs, Office of the Assistant Secretary of the Army (Civil Works), at (703) 459-6026 or stacey.m.jensen.civ@mail.mil.



JAIME A. PINKHAM
Acting

CF:
DCG-CEO, USACE
DCW, USACE